

100-05 DISCLOSURE OF PUBLIC RECORDS AND INFORMATION

Department: **ADMINISTRATION**

Effective Date: **12/3/01**

Supersedes: **11/1/82**

Staff Contact: **City Clerk**

Approved by: **Jesse Tanner**

1.0 PURPOSE:

To establish guidelines and procedures to assure that appropriate records and information are made available to the public for inspection or copying.

2.0 ORGANIZATIONS AFFECTED:

All departments/divisions.

3.0 REFERENCES:

RCW 42.17, RCW 42.30, RCW 10.97, RCW 70.02 and 70.48 and 70.123, RCW 4.24; WAC 414 and 434.

4.0 POLICY:

Mindful of the right of individuals to privacy, it is the City's policy to assure access to public records and documents concerning the conduct of the City's administration.

4.1. Public Records: Each department shall make public records available for public inspection and copying during the customary office hours of the department. To the extent required to prevent an unreasonable invasion of personal privacy, the department shall delete exempt material when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

4.2. Current Indices Maintained: Each department shall maintain and make available for public inspection and copying a current index providing identifying information regarding the following public records issued, adopted or promulgated after January 1, 1973:

4.2.1. Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

4.2.2. Statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the department;

4.2.3. Administrative staff manuals and instructions to staff that affect a member of the public;

4.2.4. Planning policies and goals, and interim and final planning decisions;

4.2.5. Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

4.2.6. Correspondence and materials referred to therein, by and with the department relating to any regulatory, supervisory, or enforcement responsibilities of the department whereby the department determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

- 4.2.7. Ordinances, resolutions and policies adopted by the City Council, minutes of the regular meetings of the City Council, and amendments, revisions and repeals thereof, all public contracts, deeds and leases shall be indexed and maintained in the office of the city clerk and be available for public inspection and copying in accordance with Chapter 42.17 RCW and this chapter.
 - 4.2.8. All other such records of the City relating to the specific function or responsibility of a particular department shall be maintained in the office of the particular department and shall be available for public inspection and copying in accordance with Chapter 42.17 RCW and this chapter.
 - 4.2.9. While, in general, the City must provide access to existing public records in its possession, it is not required to collect information or organize data to create a record not existing at the time of the request.
 - 4.3 Exemptions. The following public records shall be exempt from public inspection and copying:
 - 4.3.1. Personal information in files maintained for employees, appointees, volunteers or elected officials of any public agency to the extent that disclosure would violate their right to privacy, including home address and phone number, date of birth, and social security number.
 - 4.3.2. Information required of any taxpayer in connection with the assessment or collection of any tax as prohibited by RCW 82.32.330.
 - 4.3.3. Certain police department intelligence information and investigative records which would jeopardize prosecution or the outcome of the investigation, or information identifying witnesses or victims of crimes, if disclosure would endanger any person's life, safety or property.
 - 4.3.4. Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination, i.e. civil service.
 - 4.3.5. Contents of real estate appraisals made for or by any agency relative to the acquisition or sale of property until the sale is abandoned or the property has been acquired or sold.
 - 4.3.6. Valuable formulae, designs, drawings and research data obtained by an agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
 - 4.3.7. Preliminary drafts, notes, recommendations, and inter-office memoranda in which opinions (i.e. legal opinions) are expressed or policies formulated or recommended except that a record shall not be exempt when publicly cited by an agency in connection with any given action.
 - 4.3.8. Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in superior court.
 - 4.3.9. Records, maps or other information identifying the location of archaeological sites in
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order to avoid the looting or depredation of such sites.

- 4.3.10. Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
- 4.3.11. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- 4.3.12. The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.
- 4.3.13. Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or .075; addresses of victims of domestic violence.
- 4.3.14. Information which identifies a person who, while an agency employee, seeks advice to ascertain rights in connection with a possible unfair practice under chapter 49.60 RCW against the person, and requests his or her identity or any identifying information not be disclosed.
- 4.3.15. Investigative records compiled by the City conducting an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
- 4.3.16. Medical records in an employee's personnel file and medical records prepared by fire department ambulance emergency medical technicians, who are health care providers under chapter 18.73 RCW.
- 4.3.17. Industrial insurance (workers' compensation) claim files and records.
- 4.3.18. Information identifying child victims under eighteen who are victims of sexual assault.
- 4.3.19. Records obtained and reports produced pursuant to the state fireworks law.
- 4.3.20. Driving license records of individuals that show traffic violations, convictions and accidents.
- 4.3.21. License applications for concealed weapons permits.
- 4.3.22. Any record which is exempt from disclosure under state or federal law.
- 4.3.23. Residential addresses or telephone numbers of any public agencies' employees or volunteers held by any public agency in personnel records, public employment records, or volunteer rosters.
- 4.3.24. Any record exempted by RCW 42.17.310.

If the City denies access to a specific public record, it must identify the specific exemption or other law it believes justifies its denial and explain how that exemption applies to the request.

5.0 DEFINITIONS

- 5.1 Public Record: Any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.
- 5.2 Writing: Handwriting, typewriting, printing, photocopying, photographing, and every other means of recording any form of communication or representation, including, but not limited to letters, electronic mail, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, films and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

6.0 PROCEDURES:

6.1 Procedure for inspection or copying:

- 6.1.1. The City is required to provide assistance to citizens in obtaining public records and to explain how the City's public records process works. Persons wishing to inspect or copy records should first make such request to the department of the City in which the requested records are maintained. The request can be initiated in person, by mail or fax, or over the telephone. If the requestor does not know in which department such records are maintained, the request shall be to the city clerk. The city clerk shall direct the requestor to the appropriate department. All assistance necessary to help the requestor locate the particular record shall be provided by the city clerk and the department maintaining the records; provided, that the giving of such assistance does not unreasonably disrupt the operation of the department or the other duties of the assisting employee.
- 6.1.2. Depending upon the volume or complexity of the records request, the City may require completion of a public records request form by the requestor. Forms are available on the City's web site and local area network (Rentonnet), and in the City Clerk Division.
- 6.1.3. Upon receiving a completed written request for records form, the city clerk or police records manager, in the case of a request to inspect or copy a record maintained by the police department, shall determine whether the record requested is exempt by law from inspection and copying in whole or in part. When necessary, the city clerk and police records manager shall consult with the city attorney in making such determination.
- 6.1.4. No fee shall be charged for the inspection of public records. Copy charges will be assessed in accordance with Title V, Chapter 1, Fee Schedule, of the Renton Municipal Code in compliance with RCW.

6.2. Agency Response to a Request for Disclosure of Records: Agencies are required to respond promptly to a request for records. Within five business days after receiving a request, the City must either:

- 6.2.1. Provide the record(s);
 - 6.2.2. Acknowledge the request in writing and provide a reasonable estimate of how long it will take to respond; or
 - 6.2.3. Deny the request in writing, with reasons for the denial (this could include a denial of part
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of the request and a granting of the remainder). The agency must identify the specific exemption or other law it relies upon for its denial.

6.2.4. If a request is not clear, the City may ask the requestor for further clarification.

If the city clerk or police records manager, in the case of a request for police records, determines that the document is exempt in part but can be made available after deletion of exempt portions, the request shall be granted, provided that such exempt portions shall first be deleted. If the city clerk or police records manager determines that the request should be denied, a written statement of the specific reason for the denial shall be provided to the requestor.

If a request is made when a record exists but is scheduled for destruction, the agency may not destroy the record until the request is resolved.

